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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/160,076	09/24/1998	DAVID W. SCOTT	308072000110	5918

25226 7590 12/19/2002

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

EXAMINER

WILSON, MICHAEL C

ART UNIT	PAPER NUMBER
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1632

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DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.
09/160,076

Applicant(s)
Scott et al.

Examiner
Michael C. Wilson

Art Unit
1632



All participants (applicant, applicant's representative, PTO personnel):

(1) Michael C. Wilson

(3) _____

(2) Cara Coburn

(4) _____

Date of Interview Dec 13, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: 69

Identification of prior art discussed:
Zanetti, Zambidis and Chambers

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

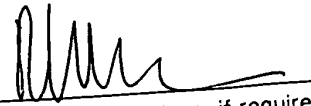
Ms. Coburn expressed that contrary to the most recent office action, the declaration and the antigens disclosed in the experiments therein adequately correlate to the specification as originally filed. Examiner Wilson agreed to discuss the declaration with Deborah Reynolds to determine whether the declaration is adequate to overcome any of the pending rejections. Ms. Coburn pointed out that the 112/2nd discussed in the 102 rejection regarding "non-tumor" was not in the previous office action. Examiner Wilson agreed to send a new office action with the rejection and restart applicants clock if desired. The phrase "non-tumor lymphoid or non-tumor hematopoietic cell" was suggested to overcome the 102 rejections over Zanetti and Zambidis.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

MICHAEL C. WILSON
PRIMARY EXAMINER
ART UNIT 1632


Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

file

Interview Summary

Application No.
09/160,076

Applicant(s)
Scott et al.

Examiner
Michael C. Wilson

Art Unit
1632



All participants (applicant, applicant's representative, PTO personnel):

(1) Michael C. Wilson

(3) _____

(2) Cara Coburn

(4) _____

Date of Interview Dec 16, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: None

Identification of prior art discussed:
none

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ms. Coburn stated that applicants did not wish to have a new office action sent that included the inadvertently omitted 112/2nd rejection.

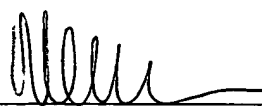
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

MICHAEL C. WILSON
PRIMARY EXAMINER
ART UNIT 1632

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

file

Interview Summary

Application No.
09/160,076

Applicant(s)
Scott et al.

Examiner
Michael C. Wilson

Art Unit
1632



All participants (applicant, applicant's representative, PTO personnel):

(1) Michael C. Wilson

(3) _____

(2) Cara Coburn

(4) _____

Date of Interview Dec 17, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: all in general

Identification of prior art discussed:
Kang of record

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see attached for entire paragraph.

The Examiner discussed the declaration of 6-20-02, paper number 35, with Supervisor Reynolds as it related to written description and enablement. It was confirmed that the examples in the declaration do not adequately correlate to the disclosure as originally filed. One of skill in the art at the time of filing would not have reasonably put together pg 20, 1st para., and pg 11, lines 18-19, to use full length MBP in the fusion protein required in the claim in view of Kang of record. Pg 20 discusses tolerogenic epitopes and suggests they may come from MBP. An MBP epitope is not full length MBP. Tolerogenic epitopes of MBP were not known in the art and full length MBP was not known to be tolerogenic at the time of filing. While pg 11 states the entire antigen may be used in the fusion protein, Kang established that up until 1999 one of skill would not have reasonably used full length protein in an IgG fusion protein to induce tolerance because it was unclear whether full length protein would be processed and presented adequately for induction of tolerance. The

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

MICHAEL C. WILSON
PRIMARY EXAMINER
ART UNIT 1632

Examiner's signature, if required

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09/160076
1632

The Examiner discussed the declaration of 6-20-02, paper number 35, with Supervisor Reynolds as it related to written description and enablement. It was confirmed that the examples in the declaration do not adequately correlate to the disclosure as originally filed. One of skill in the art at the time of filing would not have reasonably put together pg 20, 1st para., and pg 11, lines 18-19, to use full length MBP in the fusion protein required in the claim in view of Kang of record. Pg 20 discusses tolerogenic epitopes and suggests they may come from MBP. An MBP epitope is not full length MBP.

Tolerogenic epitopes of MBP were not known in the art and full length MBP was not known to be tolerogenic at the time of filing. While pg 11 states the entire antigen may be used in the fusion protein, Kang established that up until 1999 one of skill would not have reasonably used full-length protein in an IgG fusion protein to induce tolerance because it was unclear whether full-length protein would be processed and presented adequately for induction of tolerance. The specification does not support using full-length lambda, and full-length lambda was not known to be tolerogenic in the art at the time of filing. GAD65-full length, insulin B chain-9-23, IRBP-161-180 and ovalbumin-full length were not described in the specification and were not known in the art to be tolerogenic or to contain tolerogenic epitopes. Therefore, the examples in the declaration do not correlate to the specification as filed, and the declaration is not adequate to overcome the written description or enablement rejections of record. Evidence that any of the antigens used in the declaration were known to be tolerogenic at the time of filing would be considered upon continuing prosecution but not after final.